

Tracy Hope Davis  
 United States Trustee for Region 2  
 Office of the United States Trustee  
 271 Cadman Plaza East, Room 4529  
 Brooklyn, New York 11201  
 Telephone: (718) 422-4960  
 William E. Curtin (WC-1974)

UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF NEW YORK

**Hearing Date: October 5, 2011**  
**Hearing Time: 3:00 p.m.**

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In re	:	Chapter 11
	:	
SHAKER GARDENS INC.,	:	
	:	
	:	Case No. 11-45116 (CEC)
	:	
Debtor.	:	<u>NOTICE OF MOTION AND MOTION</u>
-----X	:	

PLEASE TAKE NOTICE that upon the within motion and concurrently filed memorandum of law and declaration, Tracy Hope Davis, the United States Trustee for Region 2 (the “United States Trustee”) will move before the Honorable Carla E. Craig, Chief United States Bankruptcy Judge, in the United States Bankruptcy Court, 271 Cadman Plaza East, Brooklyn, New York, **on October 5, 2011, at 3:00 p.m.**, or as soon thereafter as counsel can be heard, for entry of an order directing dismissal of this case, or in the alternative, conversion of this case to chapter 7 and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that any responsive papers should be filed with the Court and served on the United States Trustee at 271 Cadman Plaza East, Suite 4529, Brooklyn New York 11201, to the attention of William E. Curtin, seven days prior to the hearing. Such papers shall conform to the Federal Rules of Civil Procedure and identify the party on whose behalf the papers are submitted, the nature of the response, and the basis for such response.

WHEREFORE, the United States Trustee respectfully requests that this Court enter an order dismissing this case or, in the alternative, converting this case to chapter 7, or grant such other relief as the Court deems just, fair, and equitable.

Dated: Brooklyn, New York  
September 9, 2011

TRACY HOPE DAVIS  
UNITED STATES TRUSTEE  
FOR REGION 2

By: /s/ William E. Curtin  
William E. Curtin (WC-1974)  
Trial Attorney  
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